



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach  
The Director

Brussels,  
PP/nb(2020)5911111



Thank you for your e-mail of 10 July 2020 (Int. Ref. ARES (2020)3649262) by which you provide further detailed information to follow up on our previous exchange (ref. ARES(2019)3287156) concerning a product made up of substrates for mushroom and “tissues for growing” and by which you ask whether such product could be certified as organic considering the substrate contains non GMO mycelium of several edible species of mushrooms. Please accept my apologies for the late reply.

I would recall again Article 1(2) of Regulation (EC) No 834/2007<sup>1</sup> lays down the scope of the organic legislation in the following terms: “*This Regulation shall apply to the following products originating from agriculture, including aquaculture, where such products are placed on the market or are intended to be placed on the market:*

- (a) *live or unprocessed agricultural products;*
  - (b) *processed agricultural products for use as food;*
  - (c) *feed;*
  - (d) *vegetative propagating material and seeds for cultivation.*
- The products of hunting and fishing of wild animals shall not be considered as organic production.”*

Mushrooms are agricultural products and considered as plants for the purpose of the EU organic legislation. Regulation (EC) 2658/87<sup>2</sup> on the statistical nomenclature for trade includes edible mushrooms within “vegetables” (see: Annex I, Part II, Section II, Chapter 7).

In fact, the mycelium is comparable to the vegetative parts of annual or perennial plants; while mushrooms are comparable to the reproductive parts of plants, like flowers and fruits. The general rules on plant production (Article 12 of Regulation (EC) No 834/2007) and the specific rules regarding substrates to be used for mushroom

---

<sup>1</sup> Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02007R0834-20081010&qid=1396976187958&from=EN>

<sup>2</sup> Council Regulation (EC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987,p.1)



production (Article 6 of Regulation (EC) No 889/2008<sup>3</sup>) are applicable. These rules apply to the entire fungal body, therefore including the mycelium.

Consequently, the concerned product can be considered “propagating material” for mushroom production. Therefore, as far as all species are edible species, not Genetically Modified Organisms in line with specific provisions of Article 9 of Regulation (EC) 834/2007 and the components of substrate listed in your letter comply with provisions of Article 6 of Regulation (EC) No 889/2008 laying down the components of substrates, which can be used in organic production of mushrooms, the product can be subject to organic certification.

However, I would bring to your attention also the provisions of Article 12 (i) of Regulation (EC) No 834/2007 to respect: “(i) *for the production of products other than seed and vegetative propagating material only organically produced seed and propagating material shall be used. To this end, the mother plant in the case of seeds and the parent plant in the case of vegetative propagating material shall have been produced in accordance with the rules laid down in this Regulation for at least one generation, or, in the case of perennial crops, two growing seasons.*”

Hence, the mycelium to be used for edible mushroom production should derive from a mother mycelium already under organic rules and “in conversion” for at least one cycle when considered non-perennial. No other conversion period is necessary in this case, as the conversion is linked to the soil parcel and in accordance with Article 6 of Regulation (EC) No 889/2008, substrates can be used in mushroom production when in compliance with specific provisions of that Article.

Analogous provisions are laid down under the new organic Regulation (EU) 2018/848<sup>4</sup> in particular, under point 1.8.2. and 2.1. of Part I of Annex II.

The present opinion is provided on the basis of the facts as set out in your e-mail of 10 July 2020 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours sincerely,



---

<sup>3</sup> Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1–84)

<sup>4</sup> [Regulation \(EU\) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation \(EC\) No 834/2007 \( OJ L 150, 14.6.2018 p.1\)](#)